

**To:** Wirtschafter, Joshua[Wirtschafter.Joshua@epa.gov]  
**Cc:** Rongone, Marie[Rongone.Marie@epa.gov]  
**From:** Minor, Dustin  
**Sent:** Thur 8/13/2015 9:58:14 PM  
**Subject:** Fwd: STATEMENT on False Claims from Navajo

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>>>>

Dustin Minor  
Hazardous Waste Branch Chief  
EPA ORC Region 9  
415-972-3888

Sent from my iPhone

Begin forwarded message:

**From:** "Keener, Bill" <Keener.Bill@epa.gov>  
**Date:** August 13, 2015 at 1:58:01 PM PDT  
**To:** "Minor, Dustin" <Minor.Dustin@epa.gov>, "Kao, Jessica" <Kao.Jessica@epa.gov>  
**Cc:** "Quast, Sylvia" <Quast.Sylvia@epa.gov>  
**Subject:** FW: STATEMENT on False Claims from Navajo

## Attorney Client/Ex. 5

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### Bill Keener

Office of Public Affairs

U.S. EPA - Region 9

San Francisco, CA

Phone: (415) 972-3940

**From:** Purchia, Liz  
**Sent:** Thursday, August 13, 2015 1:38 PM  
**To:** Harrison, Melissa; StClair, Christie; Keener, Bill; Gray, David; Daguiard, Robert; Higuchi, Dean; Maier, Brent; Harris-Bishop, Rusty; Mogharabi, Nahal; Hull, George; Smith, Paula  
**Subject:** STATEMENT on False Claims from Navajo

All – If you see stories innacurately making this claim, please proactively ask

reporters to correct with this statement. It has been approved by EOC.

Monica is going to look at [press@epa.gov](mailto:press@epa.gov) inquiries.

R6/R8 – please correct with media in your region.

“The U.S. Environmental Protection Agency is offering immediate reimbursements for damages from the Gold King Mine water contamination in exchange for waiving rights for future claims.”

<http://www.navajo-nsn.gov/News%20Releases/OPVP/2015/aug/Operation%20To'%20Litso.pdf>

EPA is not offering immediate reimbursements for damages from the Gold King Mine water and it is not true that if someone submits a claim that by doing so they limit or waive future rights.

EPA's Federal Tort Claims Act (FTCA) regulation provides that a person may amend their claim form at any time prior to reaching a settlement with EPA, or before the person files a lawsuit under the FTCA. Additionally, a person claiming an injury or damage has two years from the date of the event to file a claim with EPA under the FTCA. (40 CFR Part 10).

While EPA has made Form 95 available for filing a claim, EPA has also noted on the Region 8 website that:

“Standard Form 95 is **not required to present a claim under the FTCA, but it is a convenient format for supplying the information necessary to bring an FTCA claim.** Please note that a completed form must state a claim for money damages in a “sum certain” amount (that is, a specific amount) claimed for personal injury, death, or injury to or loss of property.”

Liz Purchia

Deputy Associate Administrator, Public Affairs

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